

Message

From: Orme-Zavaleta, Jennifer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3C5A111DC377411595E5B24B5D96146B-ORME-ZAVALITA, JENNIFER]
Sent: 11/19/2020 7:30:22 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
Subject: RE: Petition to withdraw a guidance document

Charming letter – so glad you shared!

Will review and we'll talk further

Jennifer Orme-Zavaleta, PhD
Principal Deputy Assistant Administrator
Office of Research and Development
US Environmental Protection Agency

DC 202-564-6620
Cell 919-699-1564

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Thursday, November 19, 2020 2:28 PM
To: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Subject: FW: Petition to withdraw a guidance document

FYI: While focused on an OCSPP document, the incoming letter also mentions a document produced by the Risk Assessment Forum.

From: Brett Hartl <BHartl@biologicaldiversity.org>
Sent: Thursday, November 19, 2020 10:00 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: Petition to withdraw a guidance document

Ms. Dunn, Mr. Keigwin,

Please accept the following petition to formally withdraw the *2004 Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency—Endangered and Threatened Species Effects Determinations*. As our petition notes, EPA has already failed to post this document to the Guidance Portal, and therefore it has already been deemed rescinded by the Trump Administration, we are simply ensuring that this withdrawal remains permanent.

A hard copy will be mailed to the appropriate physical address just as soon as EPA provides one to the public, something it explicitly said it would do under the final rule that became effective today, but has failed to do as of yet. Because the EPA portal requires a “unique identifier” and this document does not have one, we can only submit it via U.S. mail. This is a courtesy copy of our petition.

Please also extend my thanks to Administrator Wheeler. The Center has been looking for a legal hook to get rid of the 2004 Guidance for many, many years. Without Mr. Wheeler’s ideological fanaticism and blind acceptance of right-wing dogma, we would never have had this opportunity. We are truly fortunate such an imbecile is running the EPA. We look forward to suing EPA regardless of how you respond. Deny the petition, we will sue over the denial and the arbitrary

nature of the Wheeler rule. Ignore the petition, we will sue over failure to respond and the inconsistent application of the Wheeler rule. Accept the petition, don't worry, we will still sue.

Sincerely,

Brett Hartl
Government Affairs Director
Center *for* Biological Diversity
202-817-8121